

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,

Plaintiff,

vs.

SBH 4 HOMEOWNERS' ASSOCIATION, *et*

al.,

Defendants.

Case No.: 2:16-cv-00487-GMN-PAL

ORDER

On April 4, 2018, the Court granted summary judgment to Plaintiff Bank of America, N.A., (“Plaintiff”) because, under *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016), the SBH 4 Homeowners’ Association (“HOA”) “foreclosed under a facially unconstitutional notice scheme” and therefore the “foreclosure sale cannot have extinguished” Plaintiff’s deed of trust on the property. (Order 5:21–23, ECF No. 50). The Ninth Circuit has since held, however, that Nevada’s homeowner’s association foreclosure scheme is not facially unconstitutional because the decision in *Bourne Valley* was based on a construction of Nevada law that the Nevada Supreme Court has since made clear was incorrect. *See Bank of Am., N.A. v. Arlington W. Twilight Homeowners Ass’n*, 920 F.3d 620, 624 (9th Cir. 2019) (recognizing that *Bourne Valley* “no longer controls the analysis” in light of *SFR Investments Pool I, LLC v. Bank of New York Mellon*, 422 P.3d 1248 (Nev. 2018)). Moreover, for orders from this district that relied on *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016), and were thereafter appealed, the Ninth Circuit recently began reversing and remanding such orders in light of *Bank of Am., N.A. v. Arlington W. Twilight Homeowners Ass’n*, 920 F.3d 620, 624 (9th Cir. 2019). *See, e.g., U.S. Bank, N.A. v. SFR Investments Pool 1, LLC*, No. 18-16006, 2019 WL 6817304, at *1 (9th Cir. Dec. 13, 2019).

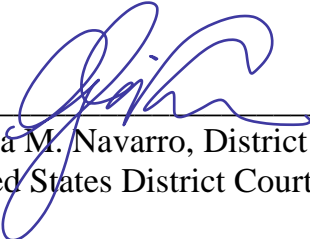
1 Accordingly, to preserve judicial resources,

2 **IT IS HEREBY ORDERED** that the Court's prior Order, (ECF No. 50), is
3 **VACATED.**

4 **IT IS FURTHER ORDERED** that the parties shall have thirty days from the date of
5 this Order to file renewed dispositive motions.

6 The Clerk of Court shall reopen the case and deliver a copy of this Order to the United
7 States Court of Appeals for the Ninth Circuit, Appeal Number 18-16154.

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9 **DATED** this 18 day of December, 2019.

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13 Gloria M. Navarro, District Judge
14 United States District Court
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